Rama Varmha Tampuran.—This experiment was tried once and was found to be a failure.

Mr. K. M. Ibrahim.—Is there any direct lending in British parts ?

Rama Varmha Tampuran.—In the British parts they too use to lend money directly to the Societies.

Mr. P. V. Subramania Ayyar.—We are also lending money to the Co-operative Central Bank through whom the primary societies can get.

Charity Wakfs.

65. Mr. K. M. Ibrahim.—Will the Government state:—

(a) whether on 14th February 1933 they did not again promise in the Council to look into the matter of regulating Wakfs ?

(b) the number of months and days that have elapsed since their assurance in (a) ;

(c) the reasons for their not having taken any definite step in the matter as per their promise made in the Council about 2 long years ago ?

Mr. K. Achyuta Menon.—(a) Yes.

(b) About 21 months.

(c) The Government did not receive any complaint regarding the management of the Wakf property. Hence no interference by the Government was considered necessary.

Mr. K. M. Ibrahim.—Did they not give a definite promise that legislation on the lines of Bombay will be enacted here ?

Mr. K. Achyuta Menon.—I am not quite sure. I want notice.

66. Mr. K. M. Ibrahim.—With reference to Question 561, dated 30th March 1933 regarding Charity Wakfs, will the Government kindly state what action they have taken in accordance to their statement under reference, namely "the matter is receiving the attention of Government" ?

Mr. K. Achyuta Menon.—Please see answer to sub-division (c) of Question No. 65.

Mr. K. M. Ibrahim.—They already knew, Sir, that they were working quite satisfactorily without any complaint. Then what is the point in saying that it was receiving their attention?

Rama Varmha Tampuran.—It was alleged that it should receive the Government's attention. They went into the matter and found that the principles of Mohammedan Law are

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quite enough to regulate the management as well as the constitution of these Wakfs. I may tell my Hon'ble friend that even in British India it was not because of the inadequacy of the Mohammedan Law that they had to legislate. There were different interpretations and one interpretation found favour with the legislation enacted. We are so placed that we can accept the interpretation that has found favour with the legislation there. There is nothing exceptional in Wakfs. The ordinary law of Charities will govern them, more especially Mohammedan Law. Nobody ever complained that the Mohammedan Law is inadequate to deal with Mohammedan Wakfs. There is nothing like a perpetual dedication by a Mohammedan for a pious wish or for the succession of pious wishes. We are left free to take either interpretation and if you want we can take the interpretation that has found favour with the British Indian Legislature. If a legislation is found necessary there is nothing preventing the Hon'ble Member from introducing a legislation on any lines that he likes.

Mr. K. M. Ibrahim.—My question is whether the Government are doing anything specifically to ascertain whether the objects of those people who awarded these public charities are being kept up?

Mr. K. Achyuta Menon.—So far, the answer is the Government have received no complaints. Where no complaint is received it is too much for the Government to interfere with private Wakfs.

Mr. K. M. Ibrahim.—Has the Government realised the public aspect of it?

Mr. K. Achyuta Menon.— It is a charitable institution. If there are any complaints the existing Mussalman law is enough. If the complaints are properly brought before the courts they will be considered.

Mr. K. M. Ibrahim.—My question is whether the Government have no initiative in this matter?

Mr. K. Achyuta Menon.—The Government are also bound by the Statutes. They cannot go and interfere with charities in that unrestrained manner.

Mr. K. M. Ibrahim.—I believe that Government will look into what the British people are doing.

Mr. K. Achyuta Menon.—They looked into what the British Indian people have done. They have given expression to one interpretation by means of legislation. But legislation here seems to be unnecessary.

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Mr. K. M. Ibrahim.—Even there, there was no specific complaint from the public at large.

Mr. K. Achyuta Menon.—But there were different interpretations by different High Courts and Government thought of legislation to get over the difference. Just like the Transfer of Property Act we are free to follow the one interpretation which found favour with the legislature. We are so situated that we can take that interpretation even without a specific legislation in that matter.

Mr. K. M. Ibrahim.—In the British Indian Legislation is there not some specific provision by which some of the officers of the Government look into the accounts and see whether the things are properly carried out ?

Mr. K. Achyuta Menon.—I think there are such provisions. But analogous provisions exist in our State which enable the court to appoint officers and to frame schemes for the proper management of Wakfs apart from legislation.

Mr. K. M. Ibrahim.—Have the Courts done that?

Mr. K. Achyuta Menon.—When proper cases come up it will be done. But no case has come up so far as I know.

Mr. K. M. Ibrahim.—My question is whether the Government have not got a duty on their own initiative?

Mr. K. Achyuta Menon.—I do not think the Government has such a duty without a complaint from anybody to see whether public charities are worked in the manner in which they ought to be worked. They are all private dispositions and it will be obviously impossible for the Government to understand as to who dedicated the properties. The Wakfs are as innumerable as there may be dedicators.

Mr. K. M. Ibrahim.—Are the Government so far as our Wakfs are concerned satisfied that the distribution is quite satisfactory ?

Mr. K. Achyuta Menon.—The Government cannot have any knowledge of all the private dispositions made by Mussalmans. In British India when the matter was brought before the courts different courts made different interpretations. Therefore, it was deemed necessary to standardise one interpretation. That is what they did. They did not go and start enquiries. With respect to such of the Wakfs that came before the courts the courts took different views. So it was thought desirable to put an end to this difference and accept one interpretation.

Mr. K. M. Ibrahim.—Are there not executive officers to see that they are properly distributed there?

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Mr. K. Achyuta Menon.—I don't think there is a staff like that.

67. **Mr. K. M. Ibrahim.**—Will the Government kindly state whether they have read Act No. XLII of 1923 of the Indian Legislature for the better management of Wakf property (vide page 319, the Unrepealed Acts of the Indian Legislature, Volume VI, Book No. 818 of the Cochin Council Library)?

Mr. Thomas Manjuran.—Yes.

Mr. K. M. Ibrahim.—Is this Act mentioned in (a) of the same kind about which the Hon'ble Member for Revenue has been speaking just now?

Mr. Thomas Manjuran.—Of the same kind. That Act deals with the control of Wakf properties.

Mr. K. M. Ibrahim.—Control by whom?

Mr. Thomas Manjuran.—By the courts to some extent. Certainly returns have to be submitted to the court. As was said by the Hon'ble Leader of the House there was some difference between the several High Courts with regard to the interpretation whether the Wakf could be considered to be a trust in which the bulk of the income of the properties went to the heirs of the testator. In that connection there was some conflict of views and evidently it was recognised by legislation that even in such a case the Mohammedan dedication could be considered to be a trust. When that was recognised a law has been passed regulating the disposal of the Wakf properties. This Act was passed for that purpose and in pursuance of that certain returns have to be sent to the civil courts. It is that kind of control.

Mr. K. M. Ibrahim.—Is that kind of control being exercised here?

Mr. Thomas Manjuran.—It is hardly necessary. The number of Wakfs is very few.

Mr. K. M. Ibrahim.—Is the Government aware that there are Wakfs worth thirty lakhs of rupees here?

Mr. Thomas Manjuran.—The Government have no idea. It may be that considerable amounts are involved. But so long as the beneficiaries have no reason to complain Government thought it was not their duty to interfere.

Mr. K. M. Ibrahim.—Are the Government aware that the principal complainants would be that the large masses of poor men who generally do not go to court, have not got the means and the knowledge to do so?

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Mr. Thomas Manjuran.—It is necessary that all the beneficiaries should be poor men. If, as a matter of fact, the Hon'ble Member thinks that there is some grievance to be rectified he could attempt to introduce a bill.

Mr. K. M. Ibrahim.—Why not the Government?

Mr. Thomas Manjuran.—The Government will introduce a bill if the Government is satisfied that there is a case for it.

Mr. K. M. Ibrahim.—Is it not incumbent on the Government to see whether the intentions of the Wakfs are kept up?

Mr. Thomas Manjuran.—I am afraid it would be rather putting the cart before the horse. The Government will consider the question of legislation only when the Government is satisfied that in a particular instance the legislation is necessary. Whenever there is a case made out the Government will investigate. The Government is not impressed as to the necessity of a bill. I would again say that there is nothing to prevent the Hon'ble Member from attempting at legislation.

Mr. K. M. Ibrahim.—May I know whether the Government are in a position to assert whether our institutions are working properly, whether the distribution is going on alright?

Mr. Thomas Manjuran.—So far the Government have received no complaints.

68. **Mr. K. M. Ibrahim.**—Will the Government kindly say:—

(a) why they could not have enforced here ever so long a Regulation similar to Act No. XLII of 1923 of the Indian Legislature for the better management of Wakf property (vide page 319, the Unrepealed Acts of the Indian Legislature, Volume VI, Book No. 818 of the Cochin Council Library);

(b) whether they intend to instantly copy the said Regulation and enforce it here;

(c) whether they intend to inquire whether any modifications have been made in the Wakf Regulations in British India after 1923 and amend accordingly their own Regulation, forecasted in (b) in future and at their own convenience;

(d) whether they intend to enquire the nature of Wakf Regulations in Muslim countries, inside and outside India and amend accordingly their own immediate, provisional Regulations, mentioned in (b)?

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Mr. Thomas Manjuran.—(a) No necessity was felt for it since the principles of Mohammedan Law were considered quite adequate.

(b) No.

(c) No.

(d) No.

Mr. K. M. Ibrahim.—With regard to (b) may I know the reasons ?

Mr. Thomas Manjuran.—There is the answer there, that no necessity was felt for it since the principles of Mohammedan Law were considered quite adequate. That is the reason for (b), (d) and (d) too. I thought that the complaint was that we were copying the British Indian enactments too often.

Mr. K. M. Ibrahim.—Without looking into the fact whether there is any recent enactment there how will the Government be in a position to say that they are of the kind mentioned by the Hon'ble Member ?

Mr. Thomas Manjuran.—The Government are aware of certain recent legislations and so far as the Government are at present aware the answer is right.

69. Mr. K. M. Ibrahim.—Will the Government state whether they have read the British Indian Act, No. XIV of 1920 (The Charitable and Religious Trusts Act of 1920) (vide Book No. 817 in the Cochin Council Library)?

Mr. Thomas Manjuran.—Yes.

Legislative Council Proceedings—printing of.

70. Mr. K. M. Ibrahim.—With reference to Question 423, dated 28th March 1933, regarding late printing of Legislative Council Proceedings, will the Government state):—

(a) how they have kept up their promise "certainly".

(b) the number of months that have elapsed since their promise in (a) ;

(c) whether the Proceedings of the last Meenam Meeting (1109) were all printed before the last Budget Meeting began ;

(d) why they could not keep their promise in such a small matter during all these two long years (vide a, b and c)?

Mr. C. J. Mathew.—(a) Necessary instructions have been issued to expedite the printing of the Proceedings.

(b) 19 months.

(c) No.

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